



Virginia  
Regulatory  
Town Hall

## Final Regulation Agency Background Document

<b>Agency Name:</b>	State Water Control Board
<b>VAC Chapter Number:</b>	9 VAC 25-71-10 et seq.
<b>Regulation Title:</b>	Regulations Governing the Discharge of Sewage and Other Wastes from Boats
<b>Action Title:</b>	Adoption of Regulations Governing the Discharge of Sewage and Other Wastes from Boats
<b>Date:</b>	January 6, 2003

Please refer to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99) , and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the final regulatory action package.

### Summary

*Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.*

The regulation addresses control of sewage and other discharges from boats.

**Statement of Final Agency Action**

*Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.*

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The Board, at its meeting on January 6, 2003, adopted the final regulation.

**Basis**

*Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law.*

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The basis for this regulation is Section 62.1-44.33 of the Code of Virginia, which empowers and directs the State Water Control Board to adopt and promulgate all necessary rules and regulations for the purpose of controlling the discharge of sewage and other wastes from boats.

The regulation does not exceed applicable federal minimum requirements.

The Office of the Attorney General has certified that the Board has the statutory authority to promulgate the regulation and it comports with applicable state and federal law.

**Purpose**

*Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the final regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.*

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The purpose of this regulatory action is to provide a state regulation to address discharges of sewage and other wastes from boats and to identify designated No Discharge Zones. It is necessary to prevent contamination of state waters from sewage discharges from boats in order to protect the health and safety of citizens of the Commonwealth. The regulatory action replaces two existing boat regulations that have limited enforcement capabilities with one regulation that effectively serves their purposes, applies to all waters of the state and provides specific language regarding No Discharge Zones, areas which have received federal approval to prohibit all

discharges of sewage, whether treated or not, from boats. The 2001 General Assembly has required that the State Water Control Board promulgate such a regulation.

### Substance

*Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement of the regulatory action's detail.*

The regulation replaces 9 VAC 25-70 and 9 VAC 25-730 with one regulation to accomplish their intended purposes. It addressed discharges of sewage and other wastes from boats and prohibits all discharges of sewage from boats, whether treated or not, into state waters designated as No Discharge Zones.

### Issues

*Please provide a statement identifying the issues associated with the final regulatory action. The term "issues" means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.*

The regulation specifies requirements existing in the state code with respect to discharges from boats and provides a means of designating No Discharge Zones, but it is no more stringent than existing requirements under state or federal law, so there are no disadvantages to the public or the Commonwealth. Members of the community of Smith Mountain Lake, which is the only designated No Discharge Zone in the Commonwealth at present, would prefer a more stringent regulation with No Discharge Zone enforcement methods specified, however, the Office of the Attorney General has determined that state code does not provide the authority for this.

### Statement of Changes Made Since the Proposed Stage

*Please highlight any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication.*

No changes have been made to the text of the regulation since the proposed stage.

### Public Comment

*Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.*

No public comment was received during the public comment period.

### Detail of Changes

*Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.*

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The regulation clarifies what is presently required by federal regulation and by state law and two state regulations that are being repealed. There are no substantive changes to the regulatory burden of citizens of the Commonwealth.

### Family Impact Statement

*Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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It is not anticipated that this regulation will have a direct impact on families.